

Exhibit B

0001

0412castlemanbarry

WITNESS NAME

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IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI
BOBBY G. HALL, ET AL.,
Plaintiffs,
v.
A.O. SMITH, ET AL.,
Defendants. Civil Action No.
02-KV-0187-J

IN THE CIRCUIT COURT OF COVINGTON COUNTY, MISSISSIPPI
CLAUDE RHINES, ET AL.,
Plaintiffs,
v.
A.O. SMITH, ET AL.,
Defendants. Civil Action No.
2202-191C

(CASES CONTINUED ON PAGE 2)

ORAL DEPOSITION OF
BARRY I. CASTLEMAN
April 12, 2004
ORIGINAL

0002 HENJUM GOUCHER REPORTING SERVICES, L.P. 1-880-656-DEPO

IN THE CIRCUIT COURT OF LAWRENCE COUNTY, MISSISSIPPI

WENDELL R. LAMBERT, ET AL.,
Plaintiffs,
v.
A.O. SMITH, ET AL.,
Defendants. Civil Action No.
2002-0105

IN THE CIRCUIT COURT OF COPIAH COUNTY, MISSISSIPPI

HUBERT D. STUART, ET AL.,
Plaintiffs,
v.
A.O. SMITH, ET AL.,
Defendants. Civil Action No.
2002-0333

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSISSIPPI

MARION C. BENTLEY, SR.,
ET AL.,
Plaintiffs,
v.
ALLEN BRADLEY CO., ET AL.,
Defendants. Civil Action No.
11-0064

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ORAL DEPOSITION OF
BARRY I. CASTLEMAN
April 12, 2004
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ORIGINAL

ORAL DEPOSITION OF BARRY I. CASTLEMAN,
produced as an expert witness at the instance of the
Plaintiffs, and duly sworn, was taken in the
above-styled and numbered cause on the 12th of April,
2004, from 10:15 a.m. to 3:48 p.m., before
JANA MULHOLLAN, Registered Professional Reporter and
Notary Public in and for the State of Maryland,
reported by machine shorthand, at the Doubletree
Hotel, 1750 Rockville Pike, Rockville, Maryland,
pursuant to the Mississippi Rules of Civil Procedure
and the provisions stated on the record or attached
hereto.

0004

A P P E A R A N C E S

FOR THE PLAINTIFFS:

MS. STACEY LEA SIMS
MORRIS, SAKALARIOS & BLACKWELL
201 Hardy Street
Hattiesburg, Mississippi 39401
Phone: 601-544-3343
E-Mail: msbasbestos@hotmail.com

- AND -
MR. QUENTIN A. DANIELS
DANIELS & GENTRY
Post Office Box 5584
Jackson, Mississippi 39296
Phone: 601-991-2755
E-Mail: comet@netdoor.com

FOR THE DEFENDANTS Armstrong International, Inc.,
Ladish Co., Inc. and Ameron International
Corporation:

MR. MEADE W. MITCHELL
MR. PHIL B. ABERNETHY
BUTLER, SNOW, O'MARA, STEVENS & CANNADA
17th Floor, AmSouth Plaza
210 East Capitol Street
Jackson, Mississippi 39201
Phone: 601-948-5711
E-Mail: meade.mitchell@butlersnow.com

FOR THE DEFENDANTS Met-Pro Corporation
and Albany International:

MR. MICHAEL E. WHITEHEAD
PAGE, MANNINO, PERESICH & McDERMOTT
759 Vieux Marche Mall
Biloxi, Mississippi 39533
Phone: 228-374-2100
E-Mail: michaelw@pmp.org

FOR THE DEFENDANTS Crouse-Hinds, et al:

MR. MONTE L. BARTON, JR.
COPELAND, COOK, TAYLOR & BUSH
200 Concourse, Suite 200
1062 Highland Colony Parkway
Ridgeland, Mississippi 39157

24 Phone: 601-856-7200 0412castlemanbarry
25 E-Mail: mbarton@cctb.com
0005 ---

1
2 A P P E A R A N C E S (Continued)

3 FOR THE DEFENDANT, General Electric
4 (Rhines case only):

5 MR. THOMAS A. BICKERS
6 PAINE, TARWATER, BICKERS and TILLMAN
7 1100 First Tennessee Plaza
8 800 South Gay Street
9 Knoxville, Tennessee 37929
10 Phone: 865-525-0880
11 E-Mail: tab@painetar.com

12 FOR THE DEFENDANTS Tyco International, Ltd.,
13 Tyco International (US), Grinnell Corporation
14 and Keystone International:

15 MS. L. NICOLE CLINKSCALES
16 ABBOTT, SIMSES & KUCHLER
17 10th Floor, AmSouth Plaza
18 210 East Capitol Street
19 Jackson, Mississippi 39201
20 Phone: 601-352-9393
21 E-Mail: nclinkscales@abbott-simses.com

22 FOR THE DEFENDANTS American Optical Corporation,
23 Watts Industries, Pfizer, Inc. and Quigley Company:

24 MR. W. ROBERT COLEMAN, JR.
25 CLARK, SCOTT & STREETMAN
725 Avignon Drive
Ridgeland, Mississippi 39157
Phone: 601-607-4800

17 FOR THE DEFENDANT, Howden Buffalo:

18 MR. ERIC F. HATTEN
19 BURR & FORMAN
20 201 East Capitol Street, Suite 700
21 Jackson, Mississippi 39201
22 Phone: 601-355-3434
23 E-Mail: ehatten@burr.com

22 FOR THE DEFENDANTS FMC, ACF, Buffalo Pumps, Aerofin,
23 Duriron and Anchor Darling:

24 MR. JEFFREY P. HUBBARD
25 WELLS, MOORE, SIMMONS & HUBBARD
Highland Bluff North, Suite 200
4450 Old Canton Road
Jackson, Mississippi 39211
Phone: 601-354-5400
E-Mail: jphub1@wellsmoore.com

0006
1
2 A P P E A R A N C E S (Continued)

3 FORMAN, PERRY, WATSON, KRUTZ & TARDY
4 FOR THE DEFENDANTS in the below-indicated cases:

5 BENTLEY:

6 Dezurik, Fairbanks, Gardner Denver, Inc., Nibco, Inc.
7 HALL:

8 Asten Group, Gorman-Rupp Company, Illinois Tool
9 Works, Keeler-Door/Oliver, Mueller Steam, Ransburg,
10 Tuthill Corporation, United Industrial, Yuba Heat

8 Transfer Company 0412castlemanbarry
 9 LAMBERT:
 10 Acco Chain & Lifting, Asten Group, Cooper Alloy
 Corporation, Dezurik, Dover Corporation, Durametallic
 11 Corporation, Gardner Denver, Inc., Gorman-Rupp
 Company, Green Tweed, Komp Equipment Company, Laurel
 12 Machine & Foundry Company, Nibco, Inc., Robbins &
 Myers, Inc., Rogers Corporation, Roth Pump Company,
 13 Tuthill Corporation, Velan Valve Corporation,
 Yeoman's Chicago Corporation and Yuba Heat Transfer
 14 Company
 RHINES:
 15 Acco Chain & Lifting, AR Wilfley, Aurora Pumps,
 Baldor, Cooper Alloy Corporation, Detroit Stoker,
 16 Dezurik, Dover Corporation, Durametallic Corporation,
 Gardner Denver, Inc., Gast Manufacturing Company,
 17 Gorman-Rupp Company, Green Tweed, Hammond Valve,
 Illinois Tool Works, Keeler-Dorr/Oliver, Komp
 18 Equipment Company, Lawrence Pumps, Layne & Bowler
 Pump Company, McMaster-Carr, Mueller Stream, Nibco,
 19 Inc., Nikko Materials d/b/a Goulds Electronics,
 NL Industries, NVF Manufacturing, Patterson Kelley,
 20 Phoenix Specialty, Robbins & Myers, Inc., Rogers
 Corporation, Roth Pump Company, Schutte & Koerting,
 21 LLC, Stuart Irby, United Gilsonite, United
 Industrial, Viking Pump and Warren Pumps
 22 STUART:
 23 Aurora Pumps, Dezurik, Gardner Denver, Inc., Illinois
 Tool Works, Komp Equipment Company, Marsh, Nibco,
 24 Inc., Robbins & Myers, Inc., Rogers Corporation and
 SPX
 25

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A P P E A R A N C E S (Continued)

1
 2
 3 FOR THE DEFENDANTS in the above-indicated cases:
 4 MR. RICHARD M. CRUMP
 MS. LAURA GOODSON
 5 MR. REN WILKES (via Telephone Communication)
 FORMAN, PERRY, WATSON, KRUTZ & TARDY
 6 One Jackson Place, Suite 200
 188 East Capitol Street
 Jackson, Mississippi 39201
 Phone: 601-969-4272
 E-Mail: crumprm@fpwk.com
 8 FOR THE DEFENDANT, Yarway Corporation:
 9 MR. ROBERT L. REDFEARN
 SIMON, PERAGINE, REDFEARN & WATSON
 10 300 Energy Centre
 1100 Poydras Street
 11 New Orleans, Louisiana 70163
 Phone: 504-569-2994
 E-Mail: redfearn@spsr-law.com
 12
 13 FOR THE DEFENDANTS Emerson Electric
 and Fisher Controls:
 14 MR. ROBERT P. THOMPSON
 COPELAND, COOK, TAYLOR & BUSH
 15 200 Concourse, Suite 200
 1062 Highland Colony Parkway
 16 Ridgeland, Mississippi 39157

17 0412castlemanbarry
Phone: 601-856-7200
18 E-Mail: bthompson@cctb.com

19 FOR THE DEFENDANT, The Goodyear Tire & Rubber
Company:

20 MS. NINA I. WEBB-LAWTON
VORYS, SATER, SEYMOUR AND PEASE
21 52 East Gay Street
Columbus, Ohio 43216
Phone: 614-464-8389
22 E-Mail: niwebblawton@vssp.com

23 FOR THE DEFENDANT, The William Powell Company:
MR. TERRELL S. WILLIAMSON
24 PHELPS DUNBAR LLP
111 East Capitol Street, Suite 600
25 Jackson, Mississippi 39201
Phone: 601-360-9353

0008

1 A P P E A R A N C E S (Continued)
2

3 FOR THE DEFENDANT, Leslie Controls:

4 MR. FRANCIS P. ACCARDO
(Via Telephone Communication)
5 MONTGOMERY, BARNETT, BROWN, READ,
HAMMOND & MINTZ
3200 Energy Centre
6 1100 Poydras Street
New Orleans, Louisiana 70163
7 Phone: 504-585-7664
E-Mail: faccardo@monbar.com

8
9 FOR THE DEFENDANT, U.S. Natural Resources Company:
MS. SHELLY G. BURNS
(Via Telephone Communication)
10 CURRIE, JOHNSON, GRIFFIN, GAINES & MYERS
1044 River Oaks Drive
11 Jackson, Mississippi 39232
Phone: 601-969-1010

12 FOR THE DEFENDANTS in the below-indicated cases:
13

14 HALL:

Milton Roy Company

15 LAMBERT:

Sepco Corporation, Furon Company and Milton Roy
16 Company

17 RHINES:

Sepco Corporation and Milton Roy Company

18 MR. WALTER DUKES
19 MR. WILLIAM SYMMES
(Via Telephone Communication)
20 DUKES, DUKES, KEATING & FANECA
2909 Thirteenth, 6th Floor
21 Gulfport, Mississippi 39501
Phone: 228-868-1111
22 E-Mail: walter@ddkf.com
23
24
25

0009

1 A P P E A R A N C E S (Continued)
2

0412castlemanbarry
FOR THE DEFENDANT, Stebbins Engineering and
Manufacturing Company:

MR. JAMES L. FLETCHER, JR.
(Via Telephone Communication)
MONTGOMERY, BARNETT, BROWN, READ,
HAMMOND & MINTZ
3200 Energy Centre
1100 Poydras Street
New Orleans, Louisiana 70163
Phone: 504-585-3200
E-Mail: jfletcher@monbar.com

FOR THE DEFENDANT, E.I. du Pont de Nemours and
Company, Cytec Industries, Cytec-Fiberite and
American Cyanamid:

MR. JOSEPH H. HART, IV
(Via Telephone Communication)
ABBOTT, SIMSES & KUCHLER
400 Lafayette Street, Suite 200
New Orleans, Louisiana 70130
Phone: 504-568-9393
E-Mail: jhart@abbott-simses.com

FOR THE DEFENDANT, Elliott Turbomachinery Co., Inc.:

MS. CHRISTY C. HENDRIX
(Via Telephone Communication)
SULZER AND WILLIAMS
201 Holiday Boulevard, Suite 335
Covington, Louisiana 70433
Phone: 985-898-0608
E-Mail: chendrix@sulzerandwilliams.com

FOR THE DEFENDANT, Monsanto Company:

MR. JAMES J. JONES
(Via Telephone Communication)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ
Meadowbrook Office Park
4268 I-55 North
Jackson, Mississippi 39211
Phone: 601-351-2400
E-Mail: jjones@bakerdonelson.com

A P P E A R A N C E S (Continued)

FOR THE DEFENDANT, John Crane:

MS. JACKIE MILLER
(Via Telephone Communication)
O'Connell & Associates
645 Tollgate Road, Suite 220
Elgin, Illinois 60123
Phone: 847-741-4603
E-Mail: jmillerdjoalaw.com

FOR THE DEFENDANT, Nash Engineering:

MS. GINA MUSHMECHE-BURAS
(Via Telephone Communication)
SPYRIDON, KOCH, PALERMO & DORNAN
Lakeway III, Suite 3010
3838 North Causeway Boulevard
Metairie, Louisiana 70002
Phone: 504-830-7800
E-Mail: gmushmeche@skwp.com

0412castlemanbarry
 12 FOR THE DEFENDANT, Lamons Metal Gasket Company:
 13 MR. GEORGE H. RITTER
 (Via Telephone Communication)
 14 WISE, CARTER, CHILD & CARAWAY
 401 East Capitol Street, Suite 600
 15 Jackson, Mississippi 39201
 Phone: 601-968-5526
 16 E-Mail: ghr@wisecarter.com
 17 FOR THE DEFENDANT, Alfa Laval, Inc.:
 MR. PETER A. SANTOS
 (Via Telephone Communication)
 18 DICKIE, MCCANEY & CHILCOTE
 Bank of America Plaza
 19 101 South Tryon Street, Suite 2610
 20 Charlotte, North Carolina 28280
 Phone: 704-334-1108
 21 E-Mail: santosp@dmclaw.com
 22
 23
 24
 25

0011

A P P E A R A N C E S (Continued)

1
 2
 3 FOR THE DEFENDANT, The Goodyear Tire & Rubber Company
 (Rhines case only):
 4 MS. FRANCES L. SPINELLI
 (Via Telephone Communication)
 5 EVERT & WEATHERSBY
 3405 Piedmont Road, Suite 225
 6 Atlanta, Georgia 30305
 Phone: 404-233-8718
 7 E-Mail: flspinelli@eandwlaw.com
 8 FOR THE DEFENDANT, Rockwell Automation:
 MR. JOHN E. WADE, JR.
 (Via Telephone Communication)
 9 BRUNINI, GRANTHAM, GROWER & HEWES
 1400 Trustmark Building
 10 248 East Capitol Street
 Jackson, Mississippi 39201
 11 Phone: 601-948-3101
 E-Mail: jwade@brunini.com
 12 FOR THE DEFENDANTS in the below-indicated cases:
 13 BENTLEY:
 14 Crane and Monsey Products
 15
 HALL:
 16 Beazer East
 17 LAMBERT:
 Beazer East
 18
 RHINES:
 19 Beazer East, Strahman Valve and Tenneco Automotive
 20 MR. MICHAEL D. WATSON, JR.
 (Via Telephone Communication)
 21 DOGAN & WILKINSON
 734 Delmas Avenue
 22 Pascagoula, Mississippi 39568
 Phone: 228-762-2272
 23 E-Mail: mwatson@doganwilkinson.com
 24
 25

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A P P E A R A N C E S (Continued)

FOR THE DEFENDANTS Nooter Corporation, Mississippi
Rubber and Coastal Rubber:

MS. STACIE E. ZORN
(Via Telephone Communication)
COLINGO, WILLIAMS, HEIDELBERG,
STEINBERGER & MCELHANEY
711 Delmas Avenue
Pascagoula, Mississippi 39568
Phone: 228-762-8021
E-Mail: szorn@colingowilliams.com

ALSO PRESENT:

MS. JANA MULHOLLAN
The Court Reporter

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I N D E X

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A G R E E M E N T S

IT IS HEREBY agreed by and between the parties hereto, through their attorneys appearing herein, that examination and signature of the witness was waived by the witness.

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BARRY I. CASTLEMAN,
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. MITCHELL:

Q. Dr. Castleman, my name is Meade Mitchell.
MR. MITCHELL: For the record, we're taking this deposition pursuant to the Mississippi Rules of Civil Procedure. We're going to be reserving all objections except to the form of the question until such time that this deposition or any part thereof has been introduced into evidence.

Is that acceptable, Stacey?

MS. SIMS: Yes.

MR. MITCHELL: I'm going to reserve

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 18 from your CV that your area that you testify about is
 19 occupational and environmental health policy.
 20 Can you explain for me that field in
 21 general?

22 A. Yes. That's a public health way of
 23 describing a field. It distinguishes it from other
 24 branches of public health like maternal and child
 25 health care, for example.

0029
 1 I refer to it in more plain English as
 2 toxic substances control because, although I'm
 3 interested in things like ergonomics and safety
 4 hazards, my main work has been in the area of health
 5 hazards with toxic chemicals.

6 Q. And I know that you've written a book,
 7 Dr. Castleman. I've read it.

8 Is your work primarily -- does it primarily
 9 consist of the review of available literature and
 10 other information concerning products and then, based
 11 upon that review, you make a -- you reach opinions as
 12 to what -- how various different chemicals should be
 13 used?

14 A. I don't think you could really --

15 Q. I may have oversimplified it.

16 A. Yeah. I mean, I don't think that my life's
 17 work fits into that description. Some of it does.

18 Q. Yes, sir.

19 A. But, you know, I get involved in quite a
 20 variety of things. You can see from the CV and from
 21 the list of publications and their titles, for
 22 example, the kinds of things I've worked on.

23 Q. I do understand a couple of things, and let
 24 me make sure I'm right.

25 You are not an industrial hygienist?

0030
 1 A. That's right. Although I have some
 2 training in industrial hygiene. I've taken, for
 3 example, a course in industrial ventilation design.

4 Q. But you do not consider yourself an
 5 industrial hygienist or an expert in that field?

6 A. Well, not in the conventional sense of the
 7 term, not an industrial hygienist.

8 Q. Do you ever conduct product testing?

9 A. No.

10 Q. You're not an epidemiologist either,
 11 correct?

12 A. I have training in epidemiology and I've
 13 argued about the weight that should be given to
 14 epidemiological publications in the arena of
 15 regulations for over 30 years, but I don't work as an
 16 epidemiologist who conducts epidemiology studies and
 17 chases down government grants to finance that kind of
 18 work.

19 Q. And you haven't been to school to be
 20 trained to be an epidemiologist?

21 A. Well, I have taken courses in epidemiology
 22 at the Johns Hopkins School of Public Health. I've
 23 taken courses in basic epidemiology and cancer
 24 epidemiology and environmental epidemiology. So I do
 25 have some training in this area -- formal training.

0031
 1 Q. You have some training, but you do not
 2 consider yourself an expert in the area of

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epidemiology, do you?

A. Well, I'm not a specialist in epidemiology. The way I refer to it is it's one of the tools of the trade. I'm trained in epidemiology, I'm trained in biostatistics and I'm trained in toxicology and in industrial hygiene, but these are not things that I specialize in.

Q. Have you ever done any epidemiological -- epidemiological studies?

A. No.

Q. And you're not a medical doctor, correct?

A. That's correct.

Q. And is it reasonable that I should not expect to hear any opinions from you concerning medical causation as to any Plaintiff?

A. I do not testify about causation in these cases regarding specific Plaintiffs. That's correct.

Q. Do you have any specific training concerning air sampling analysis?

A. I took some course work in this, but it's not something that I'm a specialist or a professional worker in that field, no.

Q. How about product exposure assessments?

A. I do this by reading things that are available, at least as to asbestos products, for example. And I've published stuff like that in my book, but it's not work that I do. I rely on other people for that primary information about this.

Q. Okay. Dr. Castleman, how many times do you think that you've provided trial testimony in asbestos cases?

A. I think a little over 250 trials over the last 25 years.

Q. Starting in around 1979. Is that right?

A. Right.

Q. Has any court ever excluded you as an expert witness?

A. There have been a few back in -- well, let me see, 1989 is the one I remember best. There was some federal judge in Chicago who apparently didn't understand what public health was all about and said that I couldn't testify because I didn't have an M.D. and I would be referring to medical articles.

Q. Do you know the style of that case?

A. No.

Q. Do you know who the plaintiff's lawyer in that case was?

A. Not anymore. I don't think I've heard from him since.

Q. Do you have the name or the style of that case at your office?

A. Maybe. The judge was named Grady. All of the defense lawyers know about that case. You shouldn't have any trouble chasing it down.

Q. I probably would. If you have that information at your office, it's something that I would ask that you simply let Ms. Sims know.

Will you agree to do that for me, please, sir?

A. You can put it on the list, but I don't agree to anything until I've seen what the whole list

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 20 documents that you referenced. I know that you have
 21 spent the better part of the last 30 years reading
 22 about every document that you could find on the
 23 history of asbestos.

24 Would that be an accurate statement?
 25

0058 A. On the history, yes. I mean, I don't try

1 to read current literature in the same way. But
 2 things that are published about the history of
 3 asbestos and health and documents that relate to
 4 particularly corporate knowledge and corporate
 5 response on the issue of asbestos and health have
 6 been a continuing matter of interest to me since
 7 completing my doctoral thesis almost 20 years ago.

8 Q. Okay. In the course of your review of
 9 those documents, have you found any literature in the
 10 1950s relating work on gaskets to asbestos disease?

11 A. Nothing comes to mind about gaskets. You
 12 mean the final -- finished products, the gaskets
 13 themselves as a machinist would encounter them?

14 Q. Right. I'm not talking about the factory
 15 production. I'm talking about installation of
 16 gaskets and the removal of gaskets from machinery.

17 A. I don't think I have seen anything
 18 published on the exposures associated with that kind
 19 of work or any disease associated, strictly speaking,
 20 with gasket exposure back that early.

21 Q. Okay. So obviously, then, you wouldn't
 22 have seen anything in the '30s and '40s?

23 A. That's right.

24 Q. Are you aware of any literature in the
 25 1960s relating to work on gaskets to asbestos

0059 disease?

1 A. No, I don't think so.

2 Q. Are you aware of any literature in the
 3 1970s relating work on gaskets to asbestos disease?

4 A. I think at that time the U.S. Navy started
 5 to look at this and issue some documentation -- some
 6 memoranda. I have a file called packings and gaskets
 7 which is available to you if you want to order it --
 8 not from me.

9 Q. Dr. Castleman, I have a list that was
 10 provided to me by Ms. Sims of documents which were
 11 available through Albert H. Donnay, and on that list
 12 is: Packings and gaskets including OSHA standard.

13 Is that the documents that you're referring
 14 to? And I'll show you the list, and it's got a
 15 little tab by it.

16 A. Yes. Packings and gaskets would be the --
 17 I don't know why he says including OSHA standard
 18 there. But in any case, that's the file I'm
 19 referring to.

20 Q. Is that the only place in this body of
 21 information that Mr. Donnay retains where I would
 22 find information concerning gaskets and packings?

23 A. Yes. I mean, that's the general file on
 24 that type of product exposure. Now, some of these

0060 1 documents might be duplicated in other files, but
 2 that's the place to look for that kind of
 3 documentation.

4 Q. It says quantity 29.

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 1 exposure appears to be in the use of gasketing
 2 material in a dry cleaning plant, which this worker
 3 worked at.

4 Q. That was that meso case, it was not an
 5 asbestosis case --

6 A. That's right.

7 Q. -- or a cancer case?

8 A. That's right.

9 Q. Are you aware of any article that considers
 10 working with gaskets and/or packing to present a
 11 significant exposure to asbestos?

12 A. I think definitely the answer is yes to
 13 that. There are articles that have been published in
 14 the '90s and since.

15 There was an article published in 2002
 16 by -- I think James Millette was one of the authors,
 17 and it talks about exposures in a worst-case scenario
 18 situation where you've got adhering gasketing
 19 material on flanges. And this is being removed by
 20 abrasive tools, and the asbestos exposures are
 21 measured, the airborne asbestos exposures of the
 22 worker.

23 And you get significant and -- significant
 24 exposures, and these are recorded in the article.

25 Q. And that was in the 1990s?

0066 1 A. That was, I think, 2002.

2 Q. Anything before that?

3 A. There are other articles with lesser levels
 4 of exposure reported, but I don't think any of them
 5 preceded 1990.

6 Q. All right. Are you aware of any literature
 7 in the 1950s relating work with liquid paints to
 8 asbestos disease?

9 A. No.

10 Q. 1960s?

11 A. No.

12 Q. '70s?

13 A. By the 1970s people were concerned about
 14 what were called textured paints. And Consumer
 15 Reports ran an article about this in 1976 describing
 16 the use of asbestos in these products, and this
 17 caused considerable alarm to people like me.

18 The asbestos was used as kind of a
 19 thickening agent that -- well, they called it
 20 textured paints because the paints wouldn't form a
 21 flat surface but would have kind of a roughened
 22 appearance, and that was because of the bulk material
 23 asbestos. And I don't know what else that they
 24 incorporated into these coatings.

25 Q. Are you talking about spray-on asbestos?

0067 1 A. No. It was called textured paints. And I
 2 think some of these things may have even been sold as
 3 powders to be mixed with water. But I'm not sure
 4 about that.

5 Q. What, in particular, did the study say?

6 A. That you could get exposure from using
 7 these products, and it caused some alarm, as far as I
 8 was concerned, that the asbestos was used in such
 9 products.

10 Q. What exposures did they say that you could
 11 get?

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11 the various government regulatory agencies starting
12 in the 1970s.

13 And I've also interviewed a number of
14 old-timers, although I wouldn't think that their
15 stories to me really would be factors in my testimony
16 but they do round out my knowledge about this history
17 of what went on.

18 Q. Well, in terms of your testimony with
19 respect to the history of asbestos, the knowledge of
20 potential dangers, the actual dangers caused by
21 asbestos, that information comes from various
22 documents that you've collected over the years and
23 read, correct?

24 A. It basically does come from documents and
25 the analysis of those documents, given what I know
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1 about the history of the field of occupational
2 medicine as well to understand the personalities, the
3 institutions, the governmental agencies and how it
4 all sort of went together.

5 Q. First off, the documents, where did you get
6 those from?

7 A. Numerous sources. The time that I could
8 remember where all of my documents came from has long
9 passed. They came from plaintiffs lawyers, they came
10 from defense lawyers, they came from various
11 libraries, things like that.

12 Q. Have you verified the authenticity of all
13 of these documents you've relied on?

14 A. I haven't individually done that. But I
15 have never had any reason to believe that any
16 document that I've been presented with was a
17 fraudulent or falsified document in all of these
18 years.

19 Q. How about, do you know whether it's
20 complete or not?

21 A. Well, very often they're not complete. You
22 know, they might be pages in a deposition or
23 something like that. I'm not trying to make some
24 kind of world record in the volume of files that I
25 keep on all of this stuff.
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1 Q. These various documents you've relied on,
2 have you reviewed -- have you talked to the authors
3 of these documents?

4 A. In some cases I have. In most cases I
5 haven't.

6 Q. And when you've collected these documents,
7 you said in reviewing them you perform some analysis.

8 If I understood it, from what you said, the
9 analysis you perform deals with your understanding of
10 how the public regulatory bodies work?

11 A. Among other things, yes.

12 Q. What else in addition to that?

13 A. Well, in looking at the history of
14 occupational and environmental health, one is -- I
15 was struck by the extent to which there was very
16 little by way of employment available to people
17 outside of industry in industrial hygiene and
18 industrial medicine, that basically the people who
19 really got to do the work of professionals in these
20 fields in any kind is a free way were people who did
21 it -- who worked for industry.